REMARKS

Claims 1-28 are pending in the present application. Claims 1-28 have been rejected 35 USC § 102(b). Claims 12, 24, 27, and 28 haves been amended.

The Applicants appreciate the Examiner's thorough examination of the subject application and respectfully request reconsideration of the subject application based on the above amendments and the following remarks.

35 U.S.C. § 102(b) REJECTIONS

The Examiner has rejected claims 1-28 under 35 USC §102(b) as being anticipated by Japanese Laid-Open Patent Application Publication Number JP 2000-048369 to Nishiuchi, et al. ("Nishiuchi" or the "Nishiuchi Reference"). The Applicants respectfully traverse these rejections for the following reasons.

The Nishiuchi reference is discussed in the specification as follows:

> the published Japanese Patent No. 3024120 (Date of Patent:
> January 21, 2000) discloses a method of recording and
> reproducing optical information in which identifiers indicative of
> recording conditions (light intensity, track pitch, the width and
> depth of a groove, etc.) are provided, and a recording condition for
> land and that for groove are separately provided. Particularly, it is
> disclosed that, in order to shorten time or simplify circuitry,
> correlation between a land and a groove is previously obtained,
> thereafter obtaining a recording condition for either one of the
> land and the groove by performing test writing, while, for the
> other, a recording condition is obtained based on the correlation.

Specification, page 4. The shortcomings of the Nishiuchi reference are also discussed in the specification as follows:

> in the method disclosed in the Japanese Patent No. 3024120, the
> setting of a recording light quantity is more accurate in a track on
> which test writing is performed than in a track for which a
> recording light quantity was obtained according to the correlation.

> Therefore, in the case where the setting of a recording light quantity is carried out more than once, the accuracy in the setting of a light quantity is likely to lose a good balance.

Id., page 5.

The independent claims of the present invention recite that the computation use-information means corrects "the computation-use information, when the track switch means switches the tracks, <u>based on respective results of test writing before and after the switch</u>." Thus, as provided in the specification:

> a recording condition for one track is determined by performing test writing, and a recording condition for the other track is determined by performing computation based on the recording condition for the track for test writing. * * *
> Here, it is commonly accepted that <u>a recording condition for a track set by actually performing test writing is more accurately set than a recording condition for a track obtained by computation according to computation-use information</u>.

Id., page 25, lines 9-21. Hence, the claims recite that "respective results of test writing" are performed "before and after the switch" from one track to the other, i.e., from a land to a groove or vice versa, which is to say that a recording condition for one track is determined by performing test writing; the track is switched to the other track; and then a recording condition for the other track is determined by performing test writing. This information is then used to correct the computation-use information.

In contrast, the Nishiuchi reference merely teaches finding a recording condition for either a track or a land and estimating the recording condition for the other track based on a relationship between the two. Nishiuchi does not teach, mention or suggest correcting the computation-use information using data obtained after switching tracks and performing test writing on the other track.

Furthermore, the cited reference test-writes for one track. Thereafter, its uses a calculated value, i.e., "computation-use information", for another track. If, for example, an explanation is done by using characters according to the present invention, Nishiuchi

(1) calculates α first; (2) obtains Pw(L) by test-writing; and (3) calculates Pw(G) using the equation Pw(G) = α x Pw(L).
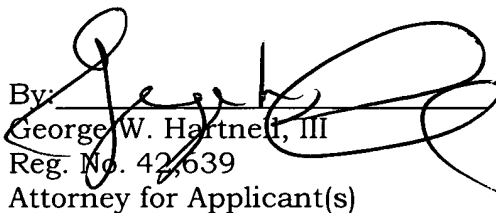
In contrast, the invention as claimed test-writes on track A. Subsequently, a calculated value, i.e., "computation-use information", is used for another track B. During the next test time, the present invention test-writes for track B, which is different from Nishiuchi. The present invention further corrects the computation-use information using both the values obtained from the test-writing of track A <u>and</u> from the test-writing of track B. Next, the present application uses the corrected computation-use information for track A. In summary, according to the invention as claimed, Pw(G) is obtained by test-writing and α is recalculated by substituting Pw(G) and Pw(L) into the above equation and solving for α.

Accordingly, it is respectfully submitted that, claims 1-28 satisfy all of the requirements of 35 U.S.C. § 100, et seq., especially § 102(b). Accordingly, claims 1-28 are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

If for any reason a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge or credit Deposit Account No. **04-1105**.

Respectfully submitted,

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